



April 27, 2000

Mr. K. Scott Oliver
Assistant Criminal District Attorney
Bexar County Justice Center
300 Dolorosa, Suite 4049
San Antonio, Texas 78205

OR2000-1667

Dear Mr. Oliver:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 135027.

The Bexar County Tax Assessor-Collector's Office (the "tax assessor") received a written request for the "Application for Disabled Person License Plate" of a certain named individual. You contend that the requested information is made confidential under section 681.003 of the Transportation Code and thus is excepted from disclosure under section 552.101 of the Government Code.¹

Section 681.003 of the Transportation Code establishes the procedures by which an individual may obtain a disabled parking "placard." Section 681.003(d) specifically provides:

Information concerning the name or address of a person to whom a disabled parking placard is issued or in whose behalf a disabled parking placard is issued is confidential and not subject to disclosure under [the Public Information Act].

Section 681.003(d) specifically makes confidential only name and address information. We believe, however, that the purpose of section 681.003(d) is to protect the privacy interests of those individuals who are issued disabled parking placards. Consequently, the mere redaction of the subject individual's name and address from the records at issue would not serve the purpose of the statute in this instance. Accordingly, we conclude that the tax assessor must withhold the requested records in their entirety pursuant to section 681.003(d) in conjunction with section 552.101 of the Government Code.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

¹Section 552.101 of the Government Code protects "information considered to be confidential by law, either constitutional, statutory, or by judicial decision."

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.--Austin 1992, no writ).

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,

A handwritten signature in cursive script that reads "A Crawford".

Amanda Crawford
Assistant Attorney General
Open Records Division

AEC/RWP/ljp

Ref: ID# 135027

Encl. Submitted document

cc: Mr. Steve Spence
328 Fourth Street
Comfort, Texas 78013
(w/o enclosures)